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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SANTOS TORRES-NOVERON,  
aka "Santos Roman Torres-Noveron,"  
aka "Santos Ramon Torres-Noveron,"

Defendant.

Case No. 2:22-cr-279-CDS-VCF  
(Formerly 2:22-mj-00468-BNW)

**Stipulation to Extend Deadlines  
to Conduct Preliminary Hearing  
and File Indictment**

**(Third Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, Rene L. Valladares, Federal Public Defender, and Aden Kebede, Assistant Federal Public Defender, counsel for Defendant SANTOS TORRES-NOVERON, that the Court schedule the preliminary hearing in this case for no earlier than 90 days from the date of the filing of this stipulation. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and

1 (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18  
2 U.S.C. § 3161(b).

3 This stipulation is entered into for the following reasons:

4 1. The United States Attorney's Office has developed an early disposition  
5 program for immigration cases, authorized by the Attorney General pursuant to the  
6 PROTECT ACT of 2003, Pub. L. 108-21.

7 2. The early disposition program for immigration cases is designed to: (1)  
8 reduce the number of hearings required in order to dispose of a criminal case; (2) avoid  
9 having more cases added to the court's trial calendar, while still discharging the  
10 government's duty to prosecute federal crimes; (3) reduce the amount of time between  
11 complaint and sentencing; and (4) avoid adding significant time to the grand jury calendar  
12 to seek indictments in immigration cases, which in turn reduces court costs.

13 3. The government has made a plea offer in this case that requires defendant to  
14 waive specific rights and hearings in exchange for "fast-track" downward departure under  
15 USSG § 5K3.1. The defendant has accepted the offer and this matter is set for change of  
16 plea hearing on or about February 6, 2023. This offer will be withdrawn if the Court does  
17 not accept defendant's plea and then the matter will proceed to indictment and before a  
18 preliminary hearing is held.

19 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the  
20 preliminary hearing within a reasonable time, but no later than 14 days after the initial  
21 appearance if the defendant is in custody . . . ."

22 5. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a  
23 showing of good cause—taking into account the public interest in the prompt disposition of  
24

1 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
2 times . . . .”

3 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
4 information or indictment charging an individual with the commission of an offense shall  
5 be filed within thirty days from the date on which such individual was arrested or served  
6 with a summons in connection with such charges.”

7 7. If the Court does not accept defendant’s plea on February 6, 2023, defendant  
8 will need additional time to finalize his review the discovery and conclude investigation  
9 into potential defenses to make an informed decision as to how to proceed if the matter is  
10 indicted.

11 8. Accordingly, the parties jointly request that the Court schedule the  
12 preliminary hearing in this case no sooner than 90 days from today’s date.

13 9. Defendant is in custody and agrees to the extension of the 14-day deadline  
14 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.  
15 § 3161(b), provided that the information or indictment is filed on or before the date ordered  
16 pursuant to this stipulation .

17 10. The parties agree to the extension of that deadline.

18 11. This extension supports the public interest in the prompt disposition of  
19 criminal cases by permitting defendant to consider entering into a plea agreement under the  
20 United States Attorney’s Office’s fast-track program for § 1326 defendants.

21 12. Accordingly, the additional time requested by this stipulation is allowed  
22 under Federal Rule of Criminal Procedure 5.1(d).

23 13. In addition, the parties stipulate and agree that the time between today and  
24 the scheduled preliminary hearing is excludable in computing the time within which the

1 defendant must be indicted and the trial herein must commence pursuant to the Speedy  
2 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.  
3 § 3161(h)(7)(B)(i) and (iv).

4 14. This is the third request for an extension of the deadlines by which to  
5 conduct the preliminary hearing and to file an indictment.

6 DATED this 10th day of January, 2023.

7 Respectfully Submitted,

8 RENE L. VALLADARES  
Federal Public Defender

JASON M. FRIERSON  
United States Attorney

9  
10 /s/ Aden Kebede

ADEN KEBEDE  
Assistant Federal Public Defender  
Counsel for Defendant SANTOS  
TORRES-NOVERON

/s/ Kimberly M. Frayn

KIMBERLY M. FRAYN  
Assistant United States Attorney

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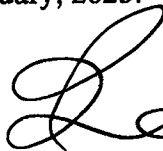
**[Proposed] Order on Stipulation  
to Extend Deadlines to Conduct  
Preliminary Hearing and  
File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on January 13, 2023, at the hour of 2:00 p.m., be vacated and continued to

Monday, April 24, 2023 at the hour of 1:00pm.

DATED this 10<sup>th</sup> day of January, 2023.



HONORABLE BRENDA N. WEKSLER  
UNITED STATES MAGISTRATE JUDGE